

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

October 13, 2003

CALL TO PODIUM:

Daniel Janousek

RESPONSIBLE STAFF:

**Daniel Janousek, AICP
Long Range Planning**

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
X	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	05-14-2003
	05-21-2003
Hearing Date	6-02-2003
Record Held Open	7-21-2003
Policy Discussion	

TITLE: Joint Work Session

SDP-03-005, Amendment to SDP 3 from 353,201 square feet of previously approved building area to 365,201 square feet of building area. The subject property is located at 317 Kentlands Boulevard, Kentlands, Section 1, Parcel L, Block Q and is bordered by Great Seneca Highway and Kentlands Boulevard. The subject property consists of approximately 33.75 acres of land and is zoned MXD (Mixed Use Development).

SUPPORTING BACKGROUND:

The Mayor and City Council re-opened their record on the subject plan indefinitely on July 21, 2003. The Planning Commission met on October 1, 2003, and re-opened their record indefinitely.

Original Plan Submission

The subject plan has been revised since the original plan submission. The original plan submission (Exhibit #3 - pages attached) depicted 20,000 square feet of retail/restaurant in four buildings located on Parcel L along the access road on the west side of the Lowe's parking area. The plan would require a 226 space parking waiver.

Revised Plan Submission

The revised plan (Exhibit #30 - page attached) depicts 12,000 square feet of retail/restaurant in two buildings on Parcel L along the access road. The revised plan would increase the building area on parcels A, B, C, K and L to 365,201 square feet of combined building area. The subject properties combined consist of approximately 33.75 acres of land. Saul Centers is the owner of parcel L. The revised plan would require a 115 space parking waiver.

DESIRED OUTCOME:

Conduct Work Session and Provide Staff Guidance.

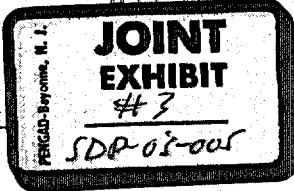
Index of Memoranda
SDP-03-005 (Amendment to SDP 3)
Saul Centers
317 Kentlands Boulevard

Updated October 8, 2003

'Bold' Attached

Number	Exhibit
1.	Site Plan Application dated May 12, 2003
2.	Site location map
3.	Site Plan, Landscape Plan and Elevations
4.	Notice of Joint Public Hearing sent to <i>Gaithersburg Gazette</i> on May 13, 2003
5.	Notice of Public Hearing Sent May 15, 2003
6.	Parking Demand Analysis for Kentlands Square Shopping Center, May 13, 2003, prepared by Wells and Associates.
7.	Resolution R-21-92 granting approval for Schematic Development Plan SDP 3, known as Phase III, Section 1 of Kentlands, Phase 1 and 2 of the Beatty Open Center, dated March 2, 1992.
8.	Letter from McGuireWoods, LLP, to Mr. Dan Janousek, Planner, dated June 11, 2003.
9.	Letter from Wheeler & Korpeck, LLC, Attorneys at Law, to Mr. Daniel Janousek, Planner, dated June 13, 2003.
10.	Staff Analysis
11.	Memorandum from Mark Depoe to Planning Commission
12.	Communication: Planning Commission, June 27, 2003
13.	E-mail from Elly Shaw-Belblidia to the Mayor and City Council dated June 27, 2003
14.	E-mail from Nora Caplin to Dave Humpton dated June 27, 2003
15.	E-mail from Richard L. Arkin to the Mayor and City Council dated July 1, 2003
16.	E-mail from Brian O'Looney to Fred Felton dated June 13, 2003
17.	Joint Public Hearing Transcript, June 2, 2003
18.	City Council Minutes, June 2, 2003
19.	Planning Commission Minutes, June 18, 2003
20.	Letter from John Collich to Dan Janousek dated July 1, 2003 (RE: Lowes)
21.	Letter from John Collich to Dan Janousek dated July 1, 2003 (RE: Kentlands Retails, Inc.)
22.	Letter from Wheeler & Korpeck, LLC, Attorneys at Law, to Mr. Daniel Janousek, Planner, dated July 1, 2003.
23.	Reciprocal Easement Agreement (Access, Parking and Utilities)
24.	Letter from Robin P. Nickles to Daniel Janousek, dated July 2, 2003
25.	Letter from John Collich to Dan Janousek dated July 2, 2003
26.	City Council Minutes, July 7, 2003
27.	City Council Minutes, July 21, 2003
28.	Kentlands/Lakelands Community Input Meeting Report, August 26, 2003
29.	Joint Work Session Minutes, September 8, 2003

30. Revised Site Plan received September 18, 2003.
31. E-mail from Genie L. Tillisch to Mayor and City Council and Planning Commission dated September 23, 2003
32. E-mail from James Pash to Mayor and City Council and Planning Commission dated September 25, 2003
33. E-mail from Roy Fleischer to Mayor and City Council and Planning Commission dated September 25, 2003
34. Letter from Mike Watkins, DPZ, to Blanche Keller, Chairperson, and members of the Planning Commission, dated September 25, 2003.
35. E-mail from Richard Arkin to Mayor and City Council and Planning Commission dated September 26, 2003
36. E-mail from Eddie Sacks to Mayor and City Council and Planning Commission dated September 26, 2003
37. E-mail from Diane Dorney to Mayor and City Council and Planning Commission dated September 26, 2003
38. Letter from Roger K. Bain, Wheeler & Korpeck, LLC, to Mr. Daniel Janousek, Planner dated October 1, 2003.



Cowle Associates PC



ARCHITECTS

1200 Wisconsin Avenue
Washington, DC 20005
Tel: 202/338-2000
Fax: 202/338-2001

KEY PLAN

PROJECT

KENTLANDS
SHOPPING CENTER

OWNER

Saul Centers
7801 Wisconsin Ave.
Suite 500
Bethesda, MD 20814
CONTACT: BRIAN DOWNE
TELEPHONE: 301/461-1000
FACSIMILE: 301/461-0000

R&A

ROCKEFELLER ASSOCIATES, INC.
6250 GANTHER ROAD
CONTACT: GARY LUTERBURG
PHONE: (301) 944-4700

DATE

DESCRIPTION

REVISION

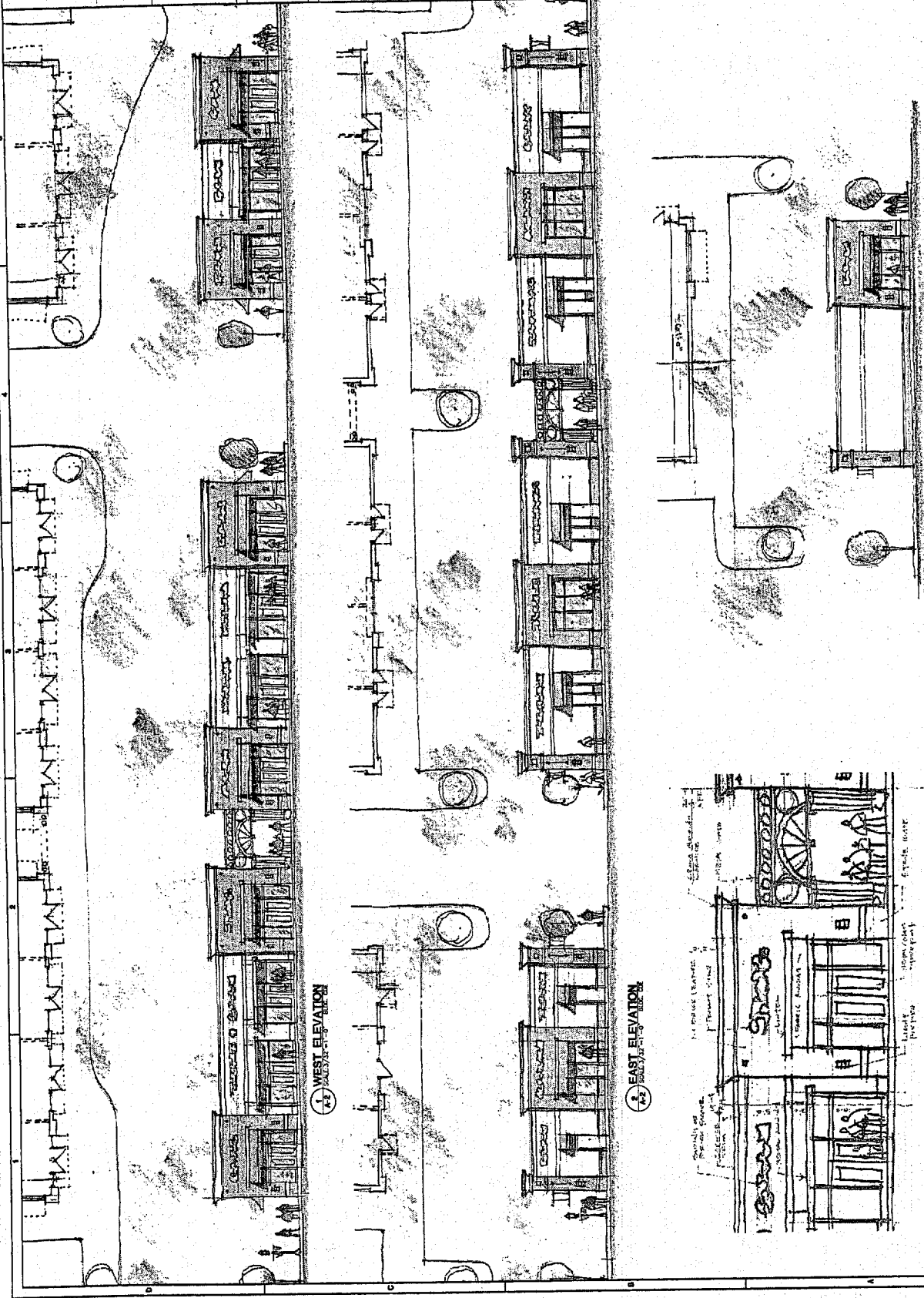
BY

DESIGNED BY	PROJECT MANAGER
CHECKED BY	DATE DATED
SCALE	DATE
SHEET NAME	

CONCEPTUAL
ELEVATIONS
C D E

SHEET NAME

A-2



Ⓜ NORTH ELEVATION

Ⓜ ELEVATION DETAIL

Cowie Associates PC



ARCHITECTS

101 Westwood Avenue
Suite 200
Westwood, NJ 07675
Phone: (201) 261-1100
Fax: (201) 261-1101
www.cowie.com

KENTLANDS
SHOPPING CENTER

Saul Centers
7501 Wisconsin Ave.
Bethesda, MD 20814

CONTACT: BRIAN DOWNE
2250 GAITHER ROAD
FARMERS BRANCH, GA 30204
PHONE: (770) 948-4700

RCA
RODGERS & ASSOCIATES, INC.

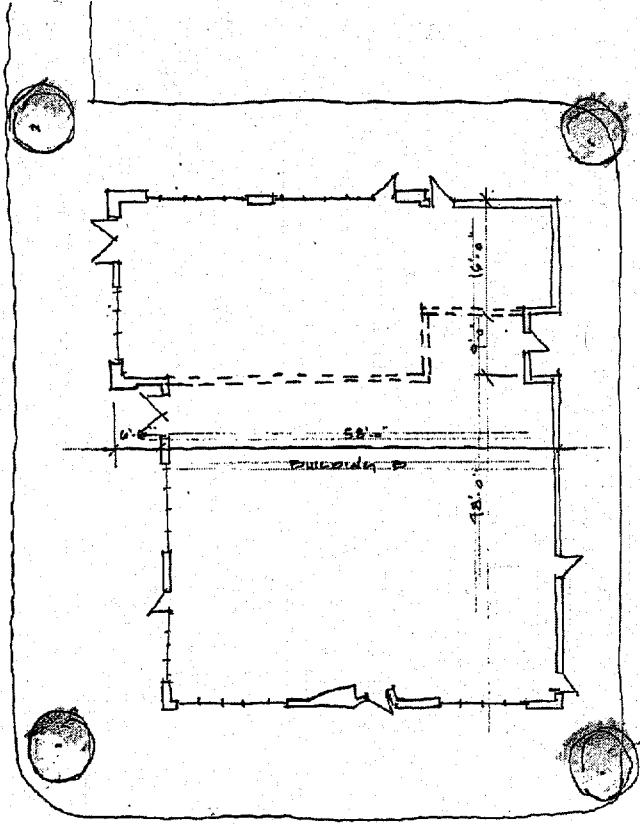
CONTACT: GARY LUTENBERG
2550 GAITHER ROAD
FARMERS BRANCH, GA 30204
PHONE: (770) 948-4700

REV	DATE	DESCRIPTION
1	01/11/01	ISSUED FOR PERMIT

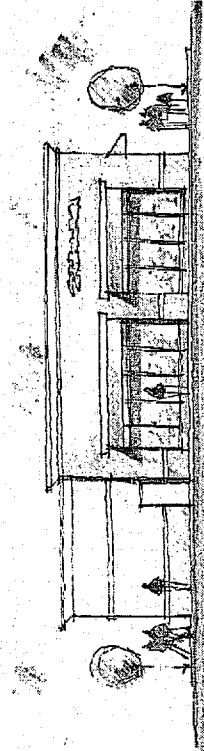
PROJECT LOCATION: 12
SHEET NAME: 12
SHEET NUMBER: 12
SCALE: 1/8" = 1'-0" (SEE DRAWING FOR DETAILS)

CONCEPTUAL PLAN
AND ELEVATIONS

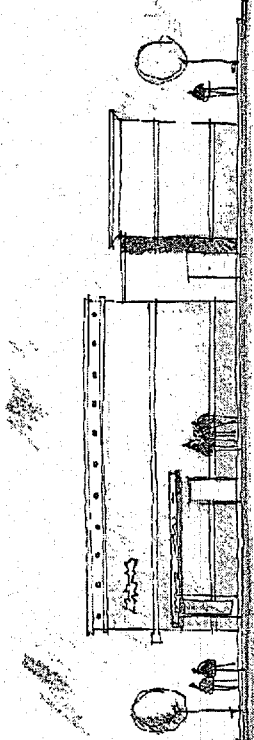
A-3



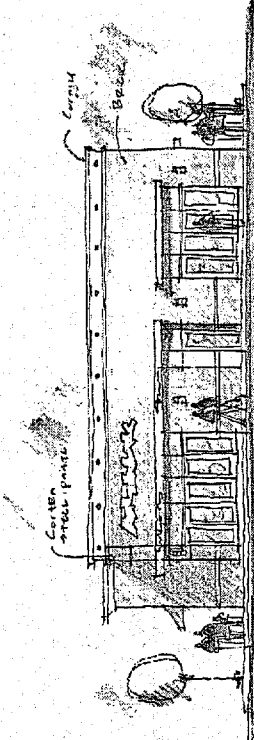
1 FLOOR PLAN
SCALE: 1/8" = 1'-0"



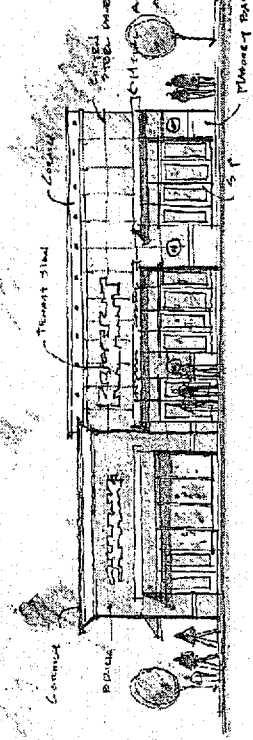
2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



4 WEST ELEVATION
SCALE: 1/8" = 1'-0"



5 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

From: Mary Beth Smith
To: genielt@starpower.net
Date: 9/23/03 11:38PM
Subject: Re: Saul Centers

Your email has been received and forwarded to city officials.

>>> "Genie L. Tillisch" <genielt@starpower.net> 09/23/03 10:20 PM >>>

Please forward this letter to both the City Council and the Planning Commission on or before Friday, September, 26:

Dear Councilmembers and Members of the Planning Commission:

I am writing concerning the proposed Saul Centers in the Lowe's parking lot in Kentlands Square. Although I am not an architect, I have a master's degree in art history and I did attend the planning charrette held in the spring, which detailed major concepts for the further development of the business district(s) of the Kentlands/Lakelands community. A big fuss was made by the City over whether this charrette should even be held, and it appears that the citizens of Kentlands can now see the reason--we are to accept the Saul Centers shoved down our throats under any circumstances whether we like it or not.

And in the current proposal, we do not like it. I don't care what so-called officials are telling you that the people in this community who take the time to go to meetings are not representative of this community, you can hear it from me, an average resident--the people who take the time to go to meetings are average residents. Their voice should be heard just as in any meeting of any democratic body in the world--the people who go are the people whose voices are heard. We have been told for many years by our "official representatives" that if we don't go to meetings and speak up, well we can't complain about the decisions made in our community. Now it seems that even when we go to meetings, our voice does not count because we are somehow not representative of our community?

The current proposal for the Saul Centers is a fine idea for a strip mall, however, I don't think one more haphazard strip added to the strips already present at Kentlands Square is going to enhance its appearance, attract a choice group of tenants, or encourage me to go shopping there more often. The chosen location across from the dumpsters behind Blockbuster Video is absurd. From my understanding, the main storefronts will face the parking lot, not the streetside! What kind of forward thinking is that?

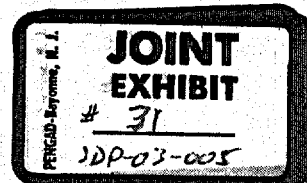
The current Saul Centers proposal will interfere with our chance to achieve the vision presented at the charrette by an international group of architects and town planners. It will doom Kentlands Square to being nothing more than a strange reminiscence of a 1960s strip mall with a pathetic attempt at Greco-Roman influences. It will potentially interfere with our dreams of introducing light rail and screened multi-level parking (such as that at Washingtonian Center) into the Kentlands/Lakelands community.

I feel we have been mistreated during this process, and the views of those who took the time to appear at the meeting have been quashed by the apparent rubber stamping of a very ill-conceived project. I was not at the meeting, and that is why I am writing this letter, so you will have the benefit of an additional citizen's viewpoint when making your decisions.

Sincerely,

Genie L. Tillisch
308 Thaxton Street
Gaithersburg, MD 20878

CC: dhumpton,dstokes



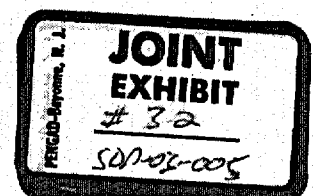
>>> James Pash <james_pash@yahoo.com> 09/25/2003 2:39:44 PM >>>

Please forward these comments to the planning commission and/or city council.

I am writing to you as a concerned Kentlands resident who is in no way affiliated with any of the developers, architects, bankers or politicians that you have already heard from. I have been living in the Kentlands for six years now, and I think it is a shining example of what the planning commission and city council can call excellence in suburban/urban development.

I think the city council and the planning commission should be very watchful of developers such as the Saul Centers and their need to make short term profits on the developments they build. I attended the 15th annual Charette and the Saul Centers proposal meeting. There were many other residents there along with several architects who presented long-term plans for the Kentlands. I was very impressed with the plans presented. I would ask that you not just consider the plans presented by members of the Charrette, but also any other long-term plans for development. Keep in mind that short-term plans that just fill in empty spaces will ruin the chances to plan long term.

I think the Saul Centers proposal is very short sighted. I'm sure it is legally correct and conforms to all codes, however it is based solely upon what can be done at this very moment with the legal restrictions put upon them by other parties such



Lowe's Home Center.

There is no urgency to build any more stores in the Kentlands shopping center. We already have vacant store fronts that can be rented. I think too many vacant store fronts will give the strip mall a run-down appearance that will deter future tenants.

I urge that the City of Gaithersburg defers approval of the Saul Centers proposal to a future date. In the meantime allow time for the various experts in urban development to come up with plans that can both satisfy the developer's need to show profits and their vision of the Kentlands.

Thank you for your consideration
James M. Pash
Kentlands Resident
308 Thaxton St.

Do you Yahoo!?
The New Yahoo! Shopping - with improved product search
<http://shopping.yahoo.com>

From: Mary Beth Smith
To: Humpton, David B.; Stokes, Doris
Date: 9/25/03 2:45PM
Subject: Fwd: Saul Centers E-mail

>>> "Fleischer, Roy" <Roy.Fleischer@sodexhoUSA.com> 09/25/2003 1:37:53 PM >>>
Dear City of Gaithersburg Planning Commission and City Council Members:

As former Kentlands residents and current Lakelands residents, my family has a vested interest in the future development of our community. We are very disappointed at the prospect of the Saul Centers' development proposal being approved as it is now planned. The current proposal does not seem to reflect some of the basic components of new urbanism, which are what make our community so unique and so desirable. Rather the current Saul Centers proposal seems to simply be an expansion of the same type of conventional suburban commercial development that can be found anywhere, which in our opinion would add little to enhance either our neighborhood or our city.

Suggestions have been made by residents and professional to make the Saul Centers project better. Why would the city possibly approve this project without incorporating some of these improvements? Clearly there are many who support changes to the current plan. It would be very disappointing to see you approve this project as is.

One only has to look as far as Rio/Washingtonian Center to see how much more pleasant a new urbanist commercial development can be than a conventional strip center-type center.

Sincerely,

Roy Fleischer
444 Placid Street
Gaithersburg, MD 20878
Roy.Fleischer@SodexhoUsa.com



DUANY PLATER~ZYBERK & COMPANY
ARCHITECTS AND TOWN PLANNERS

September 25, 2003

City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20878

Sent via e-mail and USPS

Attention: Blanche Keller, Chairperson, and members of the Planning Commission

Since verbal testimony at your next hearing will, I am told, not be permitted, please accept my written comments. There are two, the first regards the process:

I am confused and disappointed with the apparent change in attitude regarding public comments on proposed development in Gaithersburg. Throughout the past 15 years that I have worked in the City, public comments have been aggressively sought by the Planning Commission and City Council. Strangely, the opportunity for comment on this recent proposal has been severely limited. Why the sudden departure from the long-standing process of valuing public opinion?

The second comment regards the proposed design:

While I would like to comment on the proposed design, I am unable to do so because I understand a new site plan and no elevations were recently submitted replacing the site plan shared with residents at the Lakelands Clubhouse meeting. Having only gotten word of this change 24 hours ago and being out of town, there is no way I can offer a comment on the proposed design. Why the big rush? Why deviate from your normal long-standing policy of encouraging public comment, and what is the justification for rewarding the developer with two or three times their permitted density. How did the planning commission have any idea what the merits of the proposal are when no elevations have been submitted? How does the Planning Commission have any idea what the public thinks about the proposed design when the opportunity for comment has been stifled?

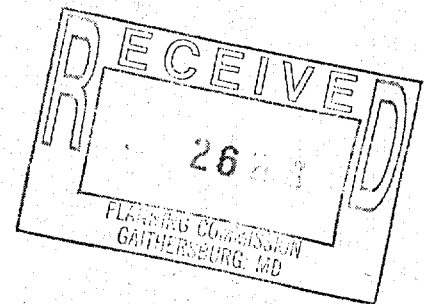
I am very disappointed in how this has been handled and ask that the Commission insist on their standard public review process for the proposed application.

Very truly yours,

Mike Watkins
DPZ Architects
Director of Town Planning
Kentlands Town Architect

Dictated by Mike Watkins but not formerly reviewed.

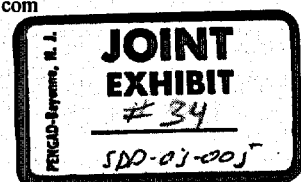
cc Diane Dorney



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MIAMI • WASHINGTON • CHARLOTTE • MANILA

320 Firehouse Lane Gaithersburg, MD 20878 • Telephone: (301) 948-6223 • Facsimile: (301) 670-9337 • <http://www.dpz.com>



From: Jennifer Russel
To: Depoe, Mark; Janousek, Dan
Date: 9/26/03 1:15PM
Subject: Fwd: Testimony on Saul Centers' Substitute SDP-005 application

Jennifer Russel, Director
Planning and Code Administration
City of Gaithersburg, Maryland

(301) 258-6330 x129 (voice)
(301) 258-6336 (fax)

31 South Summit Avenue
Gaithersburg, Maryland 20877-2098

jrussel@ci.gaithersburg.md.us -- <http://www.ci.gaithersburg.md.us>

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council.

>>> Mary Beth Smith 09/26/03 08:54AM >>>

>>> <RichardArkin@aol.com> 09/25/2003 6:33:23 PM >>>

Your Honor and Members of the City Council & Planning Commission:

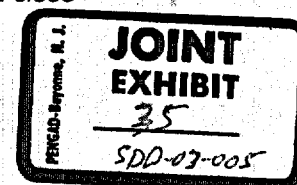
The Gaithersburg Planning Commission has on its October 1 tentative agenda two applications from Saul Holding Limited Partnership t/a Saul Centers. They are SDP-03-004 and SDP-03-005.

SDP-03-004 is a request to amend the approved MXD zone schematic development plan SDP-L7-1 for 183 Kentlands Boulevard (Section 3, Lot 1, Block Q Kentlands Midtown). It would change the plan from 26,000 square feet of retail land use to 17,686 square feet of office land use and 24,405 square feet of retail land use for a total of 42,091 square feet of mixed land use. The amendment would construct a two-story mixed retail and office building in essentially the same footprint as was originally proposed entirely for retail use.

Although the Planning Commission has reopened its record, apparently in response to requests from the public and the Mayor and Council that additional opportunities for input be provided, the Commission has announced that no public testimony will be taken at the Commission meeting. Staff has said

SDP-03-005 is a request to amend the approved schematic development plan SDP-3 for 317 Kentlands Boulevard (Section 1, Parcel L, Block Q) from 353,201 square feet of building area 373,201 square feet of building area. The additional 20,000 square foot area would be in four retail buildings on the western edge of the parcel. They would face the access roadway connecting KMart to Kentlands Boulevard between the existing Mattress Discounters and O'Donnell's restaurant buildings and would form a street-edge streetscape along that roadway with heavy landscaping a pedestrian plaza between the two middle buildings.

The plan for SDP-03-004 to be considered at the Commission meeting appears to be unchanged from the submission that has been under discussion for some time. However, City Staff has given notice to certain interested individuals that the plan for SDP-03-005 has been substantially changed and a substitute revised plan for SDP-03-005 has been submitted. Notice consisted of a cover letter and a copy of a new site plan without any elevations (it is not clear when this new site plan was submitted, but it bears the dates "May, 03" and "9/16/2003"). The September 22 letter stated that the record would close September 25. Some additional details were provided by email on September 24.



According to staff, the revised plan now provides for only 12,000 square feet of additional retail/restaurant in two buildings, a reduction of 8,000 square feet. The two buildings are said to be planned to be built in the same architectural style as presented in previous submission, with final architecture to be approved at final site plan by the Planning Commission. A plaza area with outdoor seating and landscaping is said to be proposed.

The substitute plan is quite different from what we all have been talking about. It is, in essence, a new application that is substantially different from the original application.

As far as one can tell from the limited amount of information provided, there is no longer a streetscape comprised of multiple buildings lining a street with pedestrian connections and plazas in between. Instead, the substitute plan appears to be nothing more than two large retail/restaurant pad sites, with perhaps some outside seating on the second pad around the building, rather than a plaza. The seating will overlook the accessway and the parking lots.

There is nothing at all that can be ascertained from what has been provided about the conceptual design or architecture, either. However, it is hard to see how the architecture could remain the same since the building shapes and locations have changed. Indeed, the the corner (Chipotle) building pad and the second building pad appears to be nothing more than unrelated pads surrounded by concrete seating area, hardly a streetscape or a plaza as contemplated in the original plan. The shape change could also adversely impact the potential for infill as described by Saul Centers during the September work session and in public meetings with Kentlands and Lakelands residents.

The substitute application is scheduled to be considered by the Planning Commission without a hearing and without any meaningful opportunity for public input. It is very troubling.

This is a substantially different plan that should, in my belief, be shared with the public and the public should be given ample and meaningful opportunity to comment either in a public hearing or at least in a public open worksession. Accordingly, I would request that the record be reopened for this purpose.

Sincerely,

Richard L. Arkin
121 Selby Street
Gaithersburg, MD 20878-5647

From: Jennifer Russel
To: Depoe, Mark; Janousek, Dan
Date: 9/26/03 1:15PM
Subject: Fwd: Additions to SAUL CENTER (Kentlands Market Square)

Jennifer Russel, Director
 Planning and Code Administration
 City of Gaithersburg, Maryland

(301) 258-6330 x129 (voice)
 (301) 258-6336 (fax)

31 South Summit Avenue
 Gaithersburg, Maryland 20877-2098

jrussel@ci.gaithersburg.md.us -- <http://www.ci.gaithersburg.md.us>

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>>> Mary Beth Smith 09/26/03 08:53AM >>>

>>> Eddie Sacks <eddie@sacks@comcast.net> 09/25/2003 5:05:12 PM >>>
 These comments are for The Planning Commission and Mayor & City Council concerning this subject.

I wish to state my feelings about the recent Saul Proposal for additional building to be built at the Kentlands Market Square.

I have read the various proposals as published in the local papers and watched the recent Mayor and Council meetings on this subject.

I am generally in agreement that they project should proceed. I feel that the BF Saul Company has a great track record and expertise in building and leasing sites so I'm sure that the new office and retail space will be appropriately filled.

I have one comment, which I think is important. I believe the orientation of the new building as proposed is very odd. The site with the backs of the new buildings facing the Lowe's store and the front face the parking lot for O'Donnell's and Blockbuster seems very awkward. I saw Ms Dorney advance the idea of placing the new buildings in the same line as the existing buildings which house Blockbuster, the Kentlands Deli Beer-Wine and the Party store. Having the front of these new buildings face the Giant and Kmart seems to make a great deal of sense. This would take a building that was just thrown in and place it in a fashion that makes a great deal of sense.

Thank you for your interest in my opinions on this matter.



Edward Sacks
322 Chestnut Hill St
Gaithersburg, MD 20878
(301) 869-0123

From: Jennifer Russel
To: Depoe, Mark; Janousek, Dan
Date: 9/26/03 1:17PM
Subject: Fwd: Saul Centers Proposal

Jennifer Russel, Director
 Planning and Code Administration
 City of Gaithersburg, Maryland

(301) 258-6330 x129 (voice)
 (301) 258-6336 (fax)

31 South Summit Avenue
 Gaithersburg, Maryland 20877-2098

jrussel@ci.gaithersburg.md.us -- <http://www.ci.gaithersburg.md.us>

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council.

>>> Mary Beth Smith 09/26/03 08:52AM >>>

>>> <DDorney301@aol.com> 09/25/2003 4:17:57 PM >>>

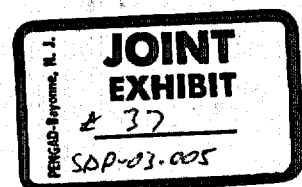
Dear City of Gaithersburg Planning Commission and City Council Members:

I'm sure you all know I am opposed to approval of the Saul Centers proposal for a variety of reasons already stipulated at public meetings and of public record in a document forwarded from a meeting held at the Lakelands Community Association Clubhouse. Because the new proposal does not address any of the concerns previously stated, there is no reason to cite them once again in this letter.

However, I also oppose the procedure that is being followed in regards to allowing no public testimony at the planning commission hearing and the fact that such short notice (2 days) was given to just a few select people about the new proposal when approximately 30 concerned residents attended the meeting held in August at the LCA Clubhouse and others who could not attend the meeting have concerns as well. In addition, I think it was very clear at the joint work session that some, if not all, of the planning commission members did not fully understand the proposal nor the concerns raised at that meeting fully. If ever there was need for more information, it would be regarding this proposal and the issues that will result by not conforming to the 15th Anniversary Charrette plan.

I ask that the planning commission and council both take written testimony and allow public testimony regarding the Saul Centers new proposal. I would also hope that the public, planning department, council and commission have an opportunity to review more detailed drawings before approving anything. All we received was a site plan.

As stated before, I would ask that the planning commission and council approve ONLY the by right parcels for development (the pad site by Blockbuster and the building adjacent to Lowe's) and not approve the 12,000 square-foot



building that will face O'Donnell's parking lot. This is the wrong location for this building.

Sincerely,

Diane Dorney
309 Main Street
Gaithersburg, MD 20878
301.990.8105

WHEELER & KORPECK, LLC

WILLIAM T. WHEELER
ROBERT L. BROWNELL
ROGER K. BAIN
PATRICK F. GREANEY (MD AND DC)

ATTORNEYS AT LAW
LEE PLAZA
8601 GEORGIA AVENUE
SUITE 908
SILVER SPRING, MD 20910-3439

JEROME E. KORPECK
(1924-2001)

MAIN PHONE: (301) 587-6200
TELEFAX: LEGAL (301) 608-3847
TITLE (301) 589-6324

WRITERS E-MAIL:

rbain@wandk.com
WRITERS DIRECT DIAL:

(301) 562-7285

October 1, 2003

Hand Delivered

Mr. Daniel Janousek, Planner
City of Gaithersburg
3175 Summit Avenue
Gaithersburg, MD 20877-2098

Re: SDP-03-005

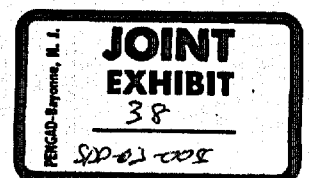
Dear Mr. Janousek:

This office represents Kentlands Retail, Inc. (hereafter "Kentlands"), owner of "Parcel K" at the Kentlands Square Shopping Center as regards the requested expansion of Saul Properties (hereafter "Saul"), owner of "Parcel L" at Kentlands Square referenced above. It is our understanding that the record before both the Planning Commission and Mayor and Council has been re-opened in the above referenced matter.

While we have already submitted written testimony with attachments by letter dated June 13, 2003 and July 1, 2003, there are a couple of points we would like to reiterate.

While not opposed to an ultimate more intense redevelopment of the Shopping Center per se, we have strong concerns about short term infill development for the following reasons:

1. Any parking waiver granted as to "Parcel L" which increases the impact on "Parcel K" may have an adverse effect on pertinent sections of Kentlands leases with its tenants, Payless, Blockbuster, K-Mart and Giant. Since K-Mart, our anchor tenant, is coming out of bankruptcy, we are not sure what their parking needs will be or those of possibly a new tenant at the same location.



WHEELER & KORPECK, LLC

Mr. Daniel Janousek, Planner
October 1, 2003
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2. There is a recorded Reciprocal Easement Agreement between the owners of Parcels "K" and "L" which has already been submitted to Staff with our earlier testimony which precludes any additional development under SDP-03-005, other than the 6,000 square feet across from Blockbuster without further agreement between the parties.

Accordingly, Kentlands feels that any development under SDP-03-005 beyond that already agreed to in the REA is something that should be studied comprehensively for the Kentlands Square Shopping Center and is opposed to any short term infill development unless "mutually approved by the respective parties" as required by the REA.

Very truly yours,

WHEELER & KORPECK, LLC

By: 

Roger K. Bain

RKB:lek

cc: Leslie S. Ries, Esq.
Ms. Jeanine Wolfe
Ms. Heather Kahn
Mr. Timothy Hearn
Mr. John Collich
Ms. Karen S. Gentry